

REMARKS

The Examiner objected to the drawings filed concurrently with the application.¹ In response, Applicant submits redline corrections to Figure 2 for consideration by the Examiner. Applicant has amended Figure 2 to now appear as Figure 2A and 2B, and has made corresponding amendments to the specification without adding new matter. Additionally, Applicant believes that the margins are correct. Applicant respectfully requests that the requirement for formal drawings be held in abeyance until the receipt of a Notice of Allowance. Accordingly, Applicant requests the Examiner withdraw the objection.

The Examiner rejected claim 1 under 35 U.S.C. §103(a) as being unpatentable over the patent to Rinne et. al., in view of the patents to Virtanen et. al., and Mustajarvi et. al. Applicant respectfully traverses the rejection.

The present invention relates to a system and method that controls how an access terminal re-establishes a suspended connection with a radio network. One of the parameters associated with the radio network includes a timer that defines the maximum time the access terminal can suspend its communication with the radio network. When the timer expires, the radio network releases the communication resources associated with the suspended connection, and unbeknownst to the access terminal that suspended the connection, may reassign those resources to another access terminal. In these cases, the access terminal returning to the suspended connection runs the risk of erroneously responding to commands meant for the other access terminal. In the present invention, the access terminal is aware of this timer, and checks to determine if the timer has expired before attempting to resume suspended communications with the radio network. If the timer has not expired, the access terminal simply resumes communications with the radio network using the resources allocated

¹ Applicants note that the summary page of the Office Action indicates that the drawings objected to by the Examiner are “proposed drawing corrections filed February 13, 2001.” However, Applicant believes this to be a typographical error because February 13, 2001 is the application filing date, and the drawings objected to were not corrections, but rather, filed concurrently with the application.

for the suspended connection. Conversely, if the timer has expired, the access terminal requests a new connection from the radio network.

The Examiner admits that Rinne fails to teach "resuming communication with said first radio network using said previously established connection with said first radio network if the duration of suspended communication does not exceed a maximum suspension time...[and]...requesting a new connection with said first radio network if the duration of suspended communication exceeds said maximum suspension time" as required by claim 1. However, the Examiner errs in asserting that the patents to Virtanen and Mustajarvi cure these deficiencies.

Virtanen teaches a system and method for re-establishing an interrupted packet data call, in which a sending node and a receiving node each have a timer that is reset whenever the nodes send or receive a packet, respectively. If either timer expires, and no data packet has been sent or received, the sending (or receiving) node saves the call data, and releases the call. Note, however, that the packet data session of Virtanen is an active (i.e., on-going) call between two nodes in the same network over a currently established link. The timers simply define a maximum wait time for the two nodes between sending/receiving packets. In other words, rather than defining "the duration of suspended communications," the timers actually define how long communications can remain active (i.e., not suspended) absent sending (or receiving) a packet. Indeed, not only does "remain active" fail teach or suggest, "resuming [suspended] communications," it actually teaches away.

Moreover, any request for a new connection in Virtanen occurs only in response to the need to send additional packets after the call is released, not because "the duration of suspended communication does [has exceeded] a maximum suspension time." See Vertanen, col. 4, ll. 44-47. Therefore, in addition to the claimed "resuming" element, Virtanen also fails to teach, "requesting a new connection with said first radio network if the duration of suspended communication exceeds said maximum suspension time."

The Examiner also cites the patent to Mustajarvi to support the rejection to claim 1. However, the applicability of Mustajarvi to claim 1 (or any other claim) is questionable. Mustajarvi teaches a method of updating a routing area to a packet radio network. This has nothing whatsoever to do with “resuming suspended communications,” and the Examiner does not appear to suggest that it does. In fact, none of the alleged aspects of the Mustajarvi patent cited by the Examiner even appears in the language of claim 1, or any of its dependent claims. Closer scrutiny reveals that Mustajarvi, like both Rinne and Virtanen, fails to teach either the “resuming” or “requesting” steps as required by claim 1.

Therefore, none of the cited references teaches or suggests, alone or in combination, the requisite “resuming” or “requesting” elements of claim 1, and the patent to Virtanen actually teaches away. As such, the §103 rejection necessarily fails. Accordingly, Applicant respectfully requests the allowance of claim 1, and its dependent claims 2-10.

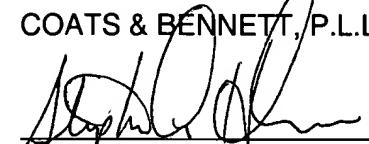
The Examiner also rejected claims 20 and 30 under 35 U.S.C. §103(a) citing the same references and reasons as those cited above for claim 1. However, claims 20 and 30 contain language similar to the language of claim 1. Therefore, for the reasons stated above, none of the cited references teaches or suggests, alone or in combination, the claimed subject matter of either claim 20 or claim 30. Accordingly, Applicant requests the allowance of claims 20 and 30, as well as their respective dependent claims 21-29 and 31-32.

Finally, claims 11 and 33 stand rejected under 35 U.S.C. §103(a) over the same references as those cited against claim 1. Claims 11 and 33 both contain language that requires, “transmitting a maximum suspension time to said access terminal to indicate the maximum allowed suspension time.” The Examiner admits that Rinne fails to teach either of these elements, but falls to the Virtanen and Mustajarvi patents to support the rejections, and cites the same reasons as those cited for claim 1. However, for the reasons stated above with respect to claim 1, neither reference teaches or suggests, a “maximum suspension time,” and as such, cannot teach or suggest, “transmitting a maximum suspension time to said access

terminal to indicate the maximum allowed suspension time." Moreover, Virtanen teaches away. Thus, none of Rinne, Virtanen, and Mustajarvi teach or suggest, alone or in combination, claim 11 or claim 33. Therefore, the §103 rejection of claims 11 and 33 fails. Accordingly, Applicant respectfully requests the allowance of claims 11 and 33, as well as their respective dependent claims 12-19 and 34-37.

Respectfully submitted,

COATS & BENNETT, P.L.L.C.



Stephen A. Herrera
Registration No.: 47,642

P.O. Box 5
Raleigh, NC 27602
Telephone: (919) 854-1844

Dated: November 25, 2003